

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

IBA et al

Serial No. 09/800,520

Filed: March 8, 2001

Title: PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE
THERAPY

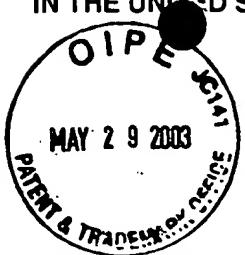
Atty Dkt. 423-59

C#/M#

Group Art Unit: 1648

Examiner: G.G. Leffers, Jr.

Date: May 29, 2003



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RESPONSE UNDER RULE 116
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Commissioner for Patents
P.O. Box 1450
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#16
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6-5-03

Sir:

AMENDMENT UNDER 37 CFR §1.116

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment	12	minus highest number		
Previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00
Independent claims after amendment	2	minus highest number		
Previously paid for	3	(at least 3) =	0 x \$ 84.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this Paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)				\$ 110.00
Terminal disclaimer enclosed, add \$ 110.00				\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) <input type="checkbox"/> Please enter the previously unentered , filed <input type="checkbox"/> Submission attached				\$ 0.00
				SUBTOTAL \$ 110.00
If "small entity," then enter half (1/2) of subtotal and subtract <input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith				-\$ 0.00
Rule 17(p) Information Disclosure Statement Filing Fee (\$180.00)				\$ 180.00
Assignment Recording Fee (\$40.00)				\$ 0.00
Other: Information Disclosure Statement along with European Search Report, PTO Form-1449 and cited references				0.00

TOTAL FEE ENCLOSED \$ 290.00

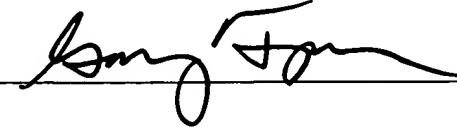
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714

NIXON & VANDERHYE P.C.

By Atty.: Gary R. Tanigawa, Reg. No. 43,180

Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Signature: 

GRT:ap

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

IBA et al.

Appln. No. 09/800,520

Filed: March 8, 2001

FOR: EXPRESSION VECTOR CONTAINING A DRUG-RESISTANCE GENE HAVING A
DESTABILIZING SEQUENCE AS SELECTION MARKER



Atty. Ref.: 423-59

Group Art Unit: 1636

Examiner: G.G. Leffers Jr.

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AMENDMENT UNDER 37 CFR § 1.116

May 29, 2003

Hon. Commissioner for Patents

Mail Stop AF

Alexandria, VA 22313

Sir:

In response to the pending Office Action (Paper No. 14) mailed February 12, 2003, entry and consideration of the following amendments and remarks are respectfully requested.

IN THE CLAIMS

Kindly enter the following amended claims.

34. (Amended) An expression vector comprising a selectable drug-resistance gene having an mRNA-destabilizing sequence, which produces a short-lived transcript of the drug-resistance gene.

35. (Amended) An expression vector comprising a drug-resistance gene linked to an mRNA-destabilizing sequence, wherein said expression vector confers drug resistance when transfected into a cell and the drug-resistance gene is transcribed at a higher rate under selection with the drug because of the presence of the mRNA-destabilizing sequence.

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